

FINAL MINUTES
California State Board of Education
December 5-6, 2001

Thursday, December 6, 2001

California Department of Education
721 Capitol Mall, Room 166
Sacramento, California

Members Present

Reed Hastings, President
Susan Hammer, Vice President
Robert J. Abernethy
Donald Fisher
Erika Goncalves
Nancy Ichinaga
Marion Joseph
Joe Nuñez
Vicki Reynolds
Suzanne Tacheny

Member Absent

Carlton J. Jenkins

Call to Order

President Hastings called the meeting to order at 8:03 a.m.

Salute to the Flag

President Hastings invited Mrs. Ichinaga to lead the Board, staff, and audience in the Pledge of Allegiance.

Announcements/Communications

President Hastings announced that Item 14, 15, and 16 would be heard today after the waiver items.

ITEM 26	Seminar Session: Effective Intervention in Underperforming Schools	INFORMATION
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President Hastings asked Ms. Tacheny to introduce the seminar presenter. Ms. Tacheny commented that at the Board's retreat the previous day, the Board discussed key themes to focus on during the year. Improving student achievement with a special emphasis on improving achievement at underperforming schools was one of the key themes.

Ms. Tacheny introduced Kit Marshall, Action Learning Systems, Inc. Ms. Marshall has experienced great success in turning around underperforming schools. Ms. Tacheny asked Mr. Whitmore to provide a brief overview of the impact of recent legislation aimed at improving low performing schools. Mr. Whitmore noted that AB 961 fundamentally changed the relationship between low-performing schools and external evaluators.

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Ms. Marshall's presentation focused on promising practices for low performing schools. [Attachment 6] Four action principles create the framework for creating a successful school improvement plan: focus, alignment, expectations, and opportunity. Ms. Marshall's advice to schools includes allocation of time to what works and what she termed "organized abandonment," which means to stop doing what does not work.

President Hastings thanked Ms. Marshall for her presentation. He asked Mr. Whitmore to provide additional information on changes in legislation regarding improving school performance. Mr. Whitmore replied that under the Public Schools Accountability Act, the Immediate Intervention/Underperforming Schools Program external evaluators assist schools in developing an action plan. Under the new law, AB 961, schools will be asked to develop more of a relationship with the evaluator/coach.

Ms. Tacheny thanked Ms. Marshall and Mr. Whitmore for the information they presented to the Board.

ITEM 27	Special Education Local Plan Area (SELPA) Revised Local Plan Content and Process	INFORMATION
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Alice Parker, Special Education Division, presented this item to the Board.

Mr. Mockler asked whether there is a process for groups to protest or express concerns about a local plan. Ms. Parker responded that there are opportunities to express concerns, including annually when the SELPA budget is presented.

The following individuals addressed the Board:

Maureen Burness, State SELPA

Jerry Simmons, California Network of Educational Charters

Sue Sheridan, California Association of Resource Specialists and Special Educators

WAIVERS/PETITIONS: CONSENT, PROPOSED CONSENT, AND NONCONSENT

CONSENT WAIVERS (WC-1 through WC-5)

CARL D. PERKINS VOCATIONAL AND TECHNICAL EDUCATION ACT OF 1998

ITEM WC-1	Request by Helix Charter High School for a waiver of P.L. 105-332, Section 131(d)(1) of the Carl D. Perkins Vocational and Technical Act of 1998. CDSIS-17-10-2001 (Recommended for APPROVAL)	ACTION
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INSTRUCTIONAL MATERIALS SUFFICIENCY (Audit Findings)

ITEM WC-2	<p><u>Five (5) Districts request a retroactive waiver of <i>Education Code</i> Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. These districts have an audit finding for the 1999-2000 fiscal year that they either 1) <u>failed to hold the public hearing</u>, 2) <u>or failed to properly notice (10 days) the public hearing</u>, and/or 3) <u>failed to post the notice in the required three public places</u>.</u></p> <p>CDSIS-12-11-2001 Cutten Elementary School District CDSIS-5-11-2001 Mountain View Elementary School District CDSIS-26-10-2001 Oceanside Unified School District CDSIS-18-11-2001 San Pasqual Valley Unified School District CDSIS-30-10-2001 Trinidad Union Elementary School District (Recommended for APPROVAL)</p>	ACTION
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MILLER-UNRUH READING SPECIALIST

ITEM WC-3	<p>Request by Redwood City School District to waive <i>Education Code</i> Section 52859(b) which prohibits the use of funds, coordinated under the School-based Coordinated Program (SBCP), to pay for the local share of costs associated with the employment of a Miller-Unruh Reading Specialist.</p> <p>CDSIS-11-10-2001 (Recommended for APPROVAL)</p>	ACTION
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ITEM WC-4	<p>Request by Hanford Elementary School District to waive <i>Education Code</i> Section 52859(b) which prohibits the use of funds, coordinated under the School-based Coordinated Program (SBCP), to pay for the local share of costs associated with the employment of a Miller-Unruh Reading Specialist.</p> <p>CDSIS-7-10-2001 (Recommended for APPROVAL)</p>	ACTION
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RESOURCE SPECIALIST

ITEM WC-5	<p>Request by Siskiyou Union School District to waive <i>Education Code</i> Section 56362(c); allowing the caseload of the resource specialist to exceed the maximum caseload of 28 students. Elisabeth Laney assigned at Happy Camp High School, and William Longworth assigned at Mount Shasta High School.</p> <p>CDSIS-13-10-2001 (Recommended for APPROVAL WITH CONDITIONS)</p>	ACTION
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Judy Pinegar, Waiver Office, informed the Board that WC-2 is the first waiver before the Board under its newly adopted policy on waivers of *Education Code* Section 60119. This waiver request is for five

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districts. All of the districts failed to hold the required public hearing on the availability of instructional materials in their district. The districts have since held the required public hearing.

Mr. Mockler commented that the penalty for not holding the public hearing was the loss of all Schiff-Bustamante and Instructional Materials Funds. In cases where there were technical and inadvertent errors, but the substance of the law was met, legislation was passed to allow the Board to waive the penalty. Mr. Mockler commended Ms. Pinegar and the others who worked to develop the waiver policy for their excellent work.

- ACTION: Ms. Tacheney moved that the State Board approve the requests in Items WC-1 through WC-5, including the conditions specified in Item WC-5, in accordance with the recommendations of CDE staff. Mr. Abernethy seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent member, Mr. Fisher and Mrs. Joseph were not present when the vote was taken.

PROPOSED CONSENT WAIVERS (W-3 and W-6)
MATHEMATICS PROFESSIONAL DEVELOPMENT GRANT

ITEM W-3	Request by two districts for a waiver of <i>Education Code</i> Section 44721(a) to allow use of AB 1331 Grant funds for per diem and release time for teacher training in mathematics instruction. CDSIS-20-10-2001 Apple Valley Unified School District CDSIS-33-10-2001 Oakley Union Elementary School District (Recommended for APPROVAL)	ACTION
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SCHIFF-BUSTAMANTE STANDARDS-BASED INSTRUCTIONAL MATERIALS-
MATHEMATICS

ITEM W-6	General waiver request of <i>Education Code</i> Sections 60450(b) and 60451(b)-Schiff-Bustamante Standards-Based Instructional Materials Program by Duarte Unified School District to purchase nonadopted Instructional Resources (<i>Houghton Mifflin mathematics, Grade 6</i>) using Schiff-Bustamante Funds. (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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[Attachment 7, Chart of Proposed Consent and Nonconsent Waivers]

- ACTION: Ms. Tacheney moved that the State Board approve the requests in Items W-3 and W-6, including the conditions specified in Item W-6, in accordance with the recommendations of CDE staff. Ms. Reynolds seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent member, Mr. Fisher and Mrs. Joseph were not present when the vote was taken.

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NON-CONSENT WAIVERS

ACADEMIC PERFORMANCE INDEX (Adult Testing Irregularities)

ITEM W-1	Torrance Unified School District (TUSD) Academic Performance Index (API) Waiver. Specifically, the TUSD requests a waiver of a portion of Title 5 CCR Section 1032(c), which would, in effect, allow J.H. Hull Middle School to be excluded from the API for the current year (2000), but be allowed to participate in the subsequent year (2001), due to the limited nature of the “adult testing irregularities” in the 2000 STAR test. The target for award eligibility in 2001 will be twice the school’s 1999 target. CDSIS-1-10-2001 (Recommended for DENIAL)	ACTION
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Ms. Pinegar informed that Board that there were no speakers on this waiver.

- ACTION: Ms. Hammer moved that the State Board deny the request in Item W-1, citing the justification set forth in Education Code Section 33051(a)(1), in accordance with the recommendation of CDE staff. Ms. Tacheny seconded the motion. The motion was approved by unanimous vote of the members present. In addition to the absent member, Mr. Fisher and Mrs. Joseph were not present when the vote was taken.

COMMUNITY DAY--COLLOCATION

ITEM W-2	Request by Santa Barbara High School District for renewal of a waiver of <i>Education Code</i> Section 48661(a) relating to the placement of a district community day school on the same site as La Colina Junior High School, Las Alturas Continuation High School, and Open Alternative School. CDSIS-6-10-2001 (Recommended for APPROVAL WITH CONDITIONS) <i>Education Code</i> Section 33051(c) will apply	ACTION
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Ms. Pinegar stated that the safety precautions implemented by the district are among the reasons for the Department's recommendation to approve this waiver. These precautions include fencing to separate the areas. She also noted that in the year the school has been collocated, the school has had a good safety record. She pointed out that if the Board approves this waiver as recommended, *Education Code* Section 33051(c) will apply.

President Hastings noted that if the waiver is approved for less than one year, the code section would not apply and the district would have to seek a renewal again in a year. Mr. Mockler commented that community day school students are students who have been expelled and the statute specifically says these students should be separated from other students. The state provides funding for separate schools. The issue is if the Board approves this waiver as recommended, the district always has the waiver. The district has an obligation to continue to seek another location.

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Ms. Reynolds inquired whether the Department staff visits and monitors the school site. Dan Sackheim, Educational Options Unit, replied that the Department staff has not been there. The community day school is fully fenced and in a remote corner. The site councils for all of the involved schools are in support of the collocation. There have been no negative interactions between the students. The students under mandatory expulsion for violence are not at this site; those students go to the county program. The staffing at the community day school is guaranteed to be no more than seven-students-per-staff member and is now at a five-to-one ratio.

- ACTION: Ms. Reynolds moved that the State Board approve the request in Item W-2, including the conditions set forth in the item (as recommended by CDE staff), but for one day less than the requested one-year period, thus ensuring that Education Code Section 33051(c) does not apply to the waiver. Mr. Nuñez seconded the motion. The motion was approved by unanimous vote of the members present.

OPTION 1 CLASS SIZE REDUCTION

ITEM W-4	Request by Los Angeles Unified School District for a waiver renewal of <i>Education Code</i> Section 52122(b)(2)(A) and 52123(c) for allowing school sites with 200 or more students per acre to receive Option 1 Class Size Reduction funding. This is the 4 th renewal for 77 schools and 3 rd renewal for 23 schools. CDSIS-27-10-2001 (Recommended for APPROVAL)	ACTION
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Ms. Pinegar informed the Board that this waiver is the fourth renewal for the Los Angeles Unified School District (LAUSD). Fred Yeager, School Facilities Planning Division, noted that LAUSD currently is the only district under this very restrictive waiver. The law requires that the district apply to the Board annually for renewal of its waiver.

Mr. Mockler stated that the LAUSD has \$600 million set aside for school facilities. The goal of class-size reduction in kindergarten through third grade is to have 20 students in a classroom with one teacher. The children attending the schools covered by this waiver are some of the most vulnerable in the state. The law requires the district to set its own benchmarks for providing facilities and to report on its progress. The Board when Ms. Lozano was president was very critical of the district's lack of progress. The LAUSD has had three different sets of benchmarks. It is hard to know what progress has been made. The \$600 million has not been spent. This is a very important matter, affecting thousands of children.

Jim McConnell, LAUSD, noted that in the district's strategic execution plan for 158 projects, 79 of those projects are Escutia plans for facilities for K-3 class-size reduction. Mr. Mockler asked how much of the \$600 million set aside for those projects has been spent. Mr. McConnell replied that the district has \$600 million in Escutia project funding and \$130 million in local funds, of which about \$50 million has been spent to date. Kathi Littman, LAUSD, clarified that while \$50 million has been spent, additional money is encumbered for the planned projects. Ms. Hammer asked about the Division of the State

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Architect (DSA) and the time it takes for DSA review of school building plans. Mr. McConnell responded that the DSA has been very cooperative.

LAUSD Superintendent Roy Romer stated that the size of what they are trying to do with construction is very large. The district is now doing 6,000 seats a year for the next five years. Mr. Romer noted that he is watching the timelines for the Escutia projects. The district is now in the position to complete the projects. Property acquisition is a major issue. The district has the highest priority on meeting its promise to deliver these seats to our students. The district is doing this as quickly as it can.

Mr. Fisher requested that the district's progress reports include information on when the schools will be built. He suggested that the district seek assistance from private sector construction management companies. Mr. McConnell replied that 70 percent of the people working on facilities for the district are from the private sector. The district has outside experts from private sector construction firms in Los Angeles. The Escutia plan schools are predicted to be completed by 2006.

Mr. Nuñez commented that when the K-3 class-size reduction legislation was passed, the hope was there would be 20 students to one teacher in every primary classroom. We have seen tremendous growth in schools with 20 students in primary classes. The LAUSD has had six years to make progress. He said that he is very concerned that so little of over \$700 million has been spent. He added that the Board needs assurances from the LAUSD that it will complete these facilities.

President Hastings noted that this is an organizational capacity issue. There is progress on student achievement in the LAUSD. On the spring 2001 SAT-9 tests, 50 percent of the first graders scored at or above the 50th percentile. This is very good news. The Board wants to support efforts to continue those improvements. Mr. McConnell replied that the strategic execution plan would ensure that the district gets there; it will hold the district accountable. President Hastings remarked that the Board had heard such assurances before. Mr. Fisher asked for specific completion dates for the Escutia plan schools. Mr. McConnell responded that 23 projects would be completed in 2004, four projects in 2005, and one project in 2006.

Ms. Reynolds observed that the Ambassador Hotel property acquisition is a good example of the LAUSD's efforts. She asked whether the district would have enough teachers for the new classrooms. Mr. Romer noted that many of the district's teachers are not credentialed. This is a market supply problem. The district is training the uncredentialed teachers as it hires them. The district has been focusing on the elementary grades, with good results, and is now turning its focus to high school. The focus on instruction is districtwide, not just at the school level.

Ms. Tacheny expressed her pleasure with the first grade scores. She noted that she had previously worked for the LAUSD when past plans were developed. She stated that she would like five inner-city schools to be targeted for completion and asked for a list of those five schools. Ms. Littman promised that she will provide a list of the top five impacted schools. Ms. Reynolds said that the involvement of construction management experts would make the difference in the district's ability to complete the projects.

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- ACTION: Ms. Tacheny moved that the State Board approve the request in Item W-4, in accordance with the recommendation of CDE staff. [Representatives of the Los Angeles Unified School District volunteered to supply additional information (e.g., a copy of district's most recent facilities construction plan and a list of schools that will receive priority in the construction of new facilities) to the members of the State Board so requesting.] Mrs. Joseph seconded the motion. The motion was approved by unanimous vote of the members present.

PEER ASSISTANCE AND REVIEW PROGRAM

ITEM W-5	Request by Orland Joint Unified School District to waive the July 1, 2001 Peer Assistance and Review Program (PAR) certification deadline, <i>Education Code</i> Section 445054(d), to January 31, 2002, allowing them to reapply for certification of a PAR Program. CDSIS -28-10-2001 (Recommended for APPROVAL WITH CONDITIONS) <i>Education Code</i> Section 33051(c) will apply	ACTION
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Ms. Pinegar made a technical correction to the item: the district completed its certification process on November 17, 2001, not on January 31, 2002. This error occurs in two places in the agenda materials. She noted that this is the first of a number of districts that may be coming to the Board with similar problems of not having met the July 1, 2001 deadline for implementation of their Peer Assistance Review (PAR) plans. Missing this deadline affects funding for several programs related to professional development.

Bill Vasey, Professional Development and Curriculum Support Division, explained the series of deadlines in the PAR program. He added that this particular district had experienced unusual circumstances. He asked the district superintendent to come forward to address the Board.

Donald Brown, Orland Joint Unified School District Superintendent, spoke on behalf of the waiver.

President Hastings stated that the issue here is that the district had three years and the program was not implemented by the deadline. Mr. Brown responded that the district now has a three-year agreement that includes PAR. He added that the penalty is the loss of \$182,000. Mr. Mockler commented that the issue is fairly simple. The legislature passed a law that said districts have three years to enter into a program or not receive funds. Districts have known about the penalty for three years. The issue is should the Board give the district the money when it has not met the law. Mr. Nuñez inquired about the size of the district. Mr. Brown replied that the district serves 2,300 students.

President Hastings expressed concern that if the Board approves the waiver, it will give the impression that deadlines do not matter. Mr. Mockler suggested that the Board could narrow the discussion given that the agreement has made by the end of the fiscal year and the implementation began before January 2002.

- ACTION: Ms. Hammer moved that the State Board approve the request in Item W-5, including the conditions specified in the item, in accordance with the recommendation of CDE staff. The

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motion took into account that unique circumstances relating to this district justified the waiver's approval, including the fact that an agreement between the district and its teachers had been reached prior to July 1, 2001, and that the agreement had been implemented within six months of that date. Mr. Nuñez seconded the motion. The motion was approved by a vote of 8-2. Mr. Abernethy and Mr. Hastings voted against the motion.

SCHOOL SITE COUNCIL

ITEM W-7	Request by San Diego Unified School District to renew a waiver of Education Code Section 52852(b), relating to the composition of a school site council as required for each school at the secondary level participating in the School-based Coordination Act. CDSIS-3-10-2001 (Recommended for APPROVAL WITH CONDITIONS)	ACTION
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Ms. Pinegar informed the Board that there were no speakers on this waiver.

- ACTION: Mrs. Joseph moved that the State Board approve the request in Item W-7, including the conditions specified in the item, in accordance with the recommendation of CDE staff. Mrs. Ichinaga seconded the motion. The motion was approved by unanimous vote of the members present.

ITEM 14	Report of the Curriculum Development and Supplemental Materials Commission.	INFORMATION ACTION
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Curriculum Commission Chair Patrice Abarca presented the Commission's report. She asked for the Board's support for Schiff-Bustamante Instructional Materials Funds, which had been vetoed this past legislative session. She noted that the Commission is asking for Board action on only one issue, the creation of a window of time for publishers to submit the final print versions of instructional materials.

Ms. Abarca acknowledged the efforts of the Commission's Executive Secretary, Sherry Griffith, and Curriculum Frameworks and Instructional Resources staff member Terri Yan for organizing a successful dinner to honor the outgoing members of the Commission, including herself. Ms. Abarca told the Board that she had enjoyed her four years on the Commission and her one year as Chair. She added that it is important to have teachers involved. Ms. Abarca welcomed Mr. Nuñez on behalf of the Commission, noting the one-half of its members are teachers.

- ACTION: By consensus, the State Board approved the creation of a time window for publishers to submit their final print versions of materials that will be adopted in January 2002 in conjunction with the 2002 Reading-Language Arts and English Language Development Adoption. The window will be from March 15 through May 15, 2002.

Rollie Otto, Lawrence Berkeley National Laboratory, addressed the Board about his concerns with the science framework as currently drafted. He congratulated the Commission on the clear and explicit science content standards in Chapter 3, which will serve as an important guide for teachers. His

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concerns are about a section, "Guiding Principles and Key Components of Effective Science Programs," that had been in earlier version of the framework and which has now been deleted. He suggested that the content be included in the first chapter. He thanked Mrs. Joseph for working with him. He added that he had two recommendations. One is that the framework be augmented to make clear that we want students to perform well on higher-level of thinking questions. The other is that the STAR science tests include higher-level questions. President Hastings suggested that Mr. Otto meet with Mr. Abernethy, the Board's science liaison, over the next month to address his concerns. Ms. Hammer thanked Mr. Otto for his time on the science framework. She also thanked Ms. Abarca for her time and efforts as chair over the last year.

Mrs. Joseph stated that Chapter 3 is the heart of the science framework. It is terrific that a scientist like Mr. Otto thinks well of it. Ms. Tacheny inquired whether the discussion about the framework is an editorial or a philosophical one. Ms. Abarca replied that it is both. Part of the issue is editorial, and part is scaling back to 25 percent the hands on materials.

President Hastings suggested holding off discussion until January when Mr. Abernethy and Mr. Otto will have had time to meet and discussion the issues. Mr. Whitmore asked that materials in the January agenda reflect the issues. Ms. Griffith agreed to provide the latest draft of the framework and a memo outlining the substantive changes made between the initial public comment draft and the current draft.

Ms. Reynolds thanked Ms. Abarca for her work on the Commission. She added that she would like to make some suggestions for the visual and performing arts framework panels. President Hastings led the Board and the audience in a round of applause for Ms. Abarca.

ITEM 15	Report of Reading-Language Arts/English Language Development Program Recommendations by the Curriculum Development and Supplemental Materials Commission for the 2002 RLA/ELD Adoption.	INFORMATION
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Ms. Abarca noted that this is the fourth and final of the four standards-aligned adoptions. The instructional materials are designed to be inclusive and to ensure that all children succeed. This is an unprecedented adoption in that all the materials must include components for teaching English learners, so that all students achieve. This month the Commission's recommendations are presented for information; next month the Board will be asked to act on the recommendations.

Marilyn Astore, Chair of the 2002 Reading-Language Arts/English Language Development Adoption, outlined the criteria for the adoption that had been approved by the Board and was the basis for the reviews of the submissions. She informed that Board that four types of programs were submitted, including basic comprehensive programs that required 30-to-45 minute components for English learners and 30-to-45 minute components for special education students. The other types of programs were intensive reading intervention programs, intensive reading intervention programs for English learners, and primary language basic programs. Ms. Astore stated that the significance of this adoption for English learners is that all basic programs must include a 30-to-45 minute component that is connected to the core program.

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Ms. Astore briefly described the three different levels of review in the adoption process. Ms. Abarca explained the edits and corrections process. Ms. Abarca said that Reading-Language Arts/English Language Development is a long name, but that it is important to say it all because the instructional materials really do include all of these things.

Ms. Astore expressed her deep appreciation to Curriculum Frameworks and Instructional Resources staff members Sandi Adams-Jones, Suzanne Rios, and Sherry Griffith; Commission Chair Patty Abarca; and Board liaisons Marion Joseph and Nancy Ichinaga for working very hard on this adoption. This is a unique adoption in its inclusion of components to ensure success for all students. Ms. Astore gave the name of the instructional materials that had been submitted and whether the Curriculum Commission was recommending that it be adopted.

Ms. Reynolds asked about the difference in the recommendations of the Content Review Panel/Instructional Material Advisory Panel (CRP/IMAP) and the Commission on the Glencoe program. Ms. Astore replied that the CRP/IMAP felt that the requirement for coverage of the standards was not met. The Commission reviewed the materials and found that it met the standards and determined that the difficulty was in the standards map. As part of the edits and corrections process, the publisher will make the standards map clearer.

Ms. Abarca reported that *Trofeos* was the only second-language program submitted. The Commission's recommendation is to not adopt this program. It is deeply flawed in the areas of vocabulary and grammar. This program is an example of why second-language experts are critical in the adoption process. The Commission is disappointed to be able to recommend only one intervention program for English learners. The publishers of materials for English learners need to get the message that English learner students deserve high-quality materials.

Mrs. Joseph commented that two publishers of basic programs that are recommended for adoption will be submitting Spanish-language versions of those programs. She added that she wants a review of the vocabulary and grammar of the alternative format instructional materials. Ms. Hammer inquired why none of the reviewing bodies had recommended the *Waterford* program. Ms. Abarca replied that it met some, but not all of the criteria. It is a good supplemental program. Ms. Tacheney asked Ms. Abarca to explain the funding available for purchasing such supplemental materials. Ms. Abarca responded that because it met the legal and social compliance criteria, the program could be purchased with the 30 percent of funding that does not have to be spend on adopted materials.

Ms. Joseph asked Ms. Astore to stand to be recognized for her four years on the Commission as an appointee of the Governor and for remaining on the Commission to chair this adoption. Mrs. Joseph stated that Ms. Astore is totally remarkable—we owe her a huge round of applause. [There was a round of applause from the Board and the audience.]

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ITEM 16	Postponement of three 2002 Follow-up Adoptions of instructional materials in the areas of Science, History-Social Science, and Visual and Performing Arts, due to the Governor's Executive Order to reduce state agency General Fund expenditures by \$150 million in fiscal year 2001-02, and up to 15 percent in fiscal year 2002-03.	INFORMATION ACTION
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Ms. Griffith noted that this item is a request to postpone for one year the 2002 follow-up adoptions for science, history-social science, and visual and performing arts. The postponement is requested in light of Governor Davis' executive order to reduce spending in both the current and the 2002-03 fiscal years. The Department believes that there are adequate instructional materials available for schools in each of the subjects.

The following individuals spoke in opposition to the postponement:

Ellen Nelson, Decision Development Corporation

Bob Lucas, Delta Education

Linda Poore, author of *Hands-On Science*

Chris Holle, science specialist, Los Angeles Unified School District

President Hastings stated that it pains the Board to be part of the implementation of budget reductions, however necessary.

- ACTION: Ms. Tacheny moved that the State Board postpone the three 2002 follow-up adoptions of instructions materials in the areas of science, history-social science, and visual and performing arts for one year, to assist with compliance with the Governor's Executive Order to reduce state agency General Fund expenditures in 2001-02 and 2002-03. Mrs. Ichinaga seconded the motion. The motion was approved by a vote of 8-1. Ms. Goncalves voted against the motion. In addition to the absent member, Mrs. Joseph was not present when the vote was taken.

ITEM 28	Proposed Formation of North and South San Fernando Valley Unified School Districts.	ACTION PUBLIC HEARING
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President Hastings called the Public Hearing order at 12:05 p.m.

Gaye Smoot, School Fiscal Services Division, stated that the Department recommendation is to disapprove this petition by adopting the proposed resolution. Larry Shirey, School Fiscal Services Division, reported that this proposed reorganization would affect over 200,000 students and is the largest reorganization to come before the Board. He noted that the Department views the Hayden conditions as post-formation conditions. The Los Angeles County Committee view differs, and the County Committee found that Hayden conditions could be met at the cost of \$1.4 billion to the Los Angeles USD.

Mr. Shirey stated that the Department found there would be an inequitable distribution of property and facilities of the original district. The Department also is concerned about the affect on magnet school

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programs and the impact on programs such as class size reduction in kindergarten through third grade. The Department finds that the proposal fails to meet two of the nine criteria and recommends disapproval. If the Board desires to approve the petition, the Department recommends that the election area be the entire Los Angeles Unified School District (LAUSD).

The following individuals spoke in support to the petition:

Former Assembly Member Paula Boland
Aaron Weissman
Stephanie Carter
Former Congress Member Bobbi Fiedler
Harry Coleman

The following individuals spoke in opposition to the petition:

District Superintendent Roy Romer
Day Higuchi, President, United Teachers of Los Angeles (UTLA)
Jesús Quiñonez, representing UTLA and Service Employees International Union Local 99
John Nuñez, Los Angeles County Committee
George Buzzetti

President Hastings adjourned the Public Hearing at 1:16 p.m.

President Hastings commended the proponents for completing the long and demanding process of bringing this petition to the Board. The Board's decision must be based on criteria enacted by our state legislature. The task is to decide if we agree with or disagree with the staff recommendation.

Ms. Tacheney also recognized the efforts of the proponents. She noted that if the Board approves the petition we would go from Los Angeles being the largest district in the state to three districts that would be the first, third, and fifth largest districts in the state. This proposal creates three massive districts and comes just at a time when we are seeing improvement in the LAUSD. She expressed her opinion that it is not worth the disruption to create three massive districts—it would disrupt educational programs and undercut LAUSD fiscally.

Mrs. Ichinaga stated that creating two new large districts does not solve the problems. She added that she preferred that LAUSD have the opportunity for continued improvement. Ms. Hammer expressed her concern that pulling the rug out from a district that is improving would be harmful to students. If the district is ever broken up, it needs to be a very thoughtful process that does not disrupt the education of thousands and thousands of children. Ms. Reynolds acknowledged the passion on both sides. Our children are our future, our dreams. We need to provide the best education for our children's futures and our futures. Creating two new districts would drain the original district—this would be a fiscal drain and a drain on educational programs, especially magnet schools. Mrs. Joseph stated that she knows the proponents worked long and hard on this proposal. She noted that she has thought for years that something had to be done with the LAUSD. Now, there is hope that LAUSD will improve. Mr. Fisher commented that a case has been made regarding inequitable property distribution.

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President Hastings remarked that one view is that voters and citizens have a terrific track record. In the recent Carson election, the voters voted overwhelmingly to stay with LAUSD. He added that as much as he would personally like to give voters a choice, he cannot see how this petition meets the legislature's criteria.

- ACTION: Ms. Tacheney moved that the State Board disapprove the petition to form two new unified school districts from the geographic areas of the San Fernando Valley (that is currently part of the Los Angeles Unified School District in Los Angeles County) by adoption of the resolution to that effect prepared by CDE staff. Mr. Nuñez seconded the motion. The motion was approved by unanimous vote of the members present.

Adjournment: President Hastings adjourned the meeting at 1:28 p.m.

Respectfully submitted,

Deborah Franklin
Education Policy Consultant